IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.4453 OF 2003

State of Maharashtra & Anr. ... Petitioners

V/s.

Dattatraya M. Yashwantrao ... Respondent

a/w
WRIT PETITION NO.4455 OF 2003

State of Maharashtra & Anr. ... Petitioners

V/s.

Yashwant Laxman Rasal ... Respondent

AND
WRIT PETITION NO.4463 OF 2003

State of Maharashtra & Anr. ... Petitioners

V/s.

Shivaji Malhari Bhoir ... Respondent

Mr.N.P. Deshpande for Petitioners
Mr.R.P. Lote for Respondent

CORAM: **V.G. PALSHIKAR &**
SMT.NISHITA MHATRE, JJ.

DATED: **FEBRUARY 15, 2005**

P.C.:

. By these Petitions, the State Government challenges the order passed by the Maharashtra Administrative Tribunal.

2. The Tribunal had by the impugned order directed the consideration of the orginal applicants for the post of Circle Officer by promotion from the post of Talati. All the applicants were appointed prior to 1969 and in the year 1969, the Government prescribed qualifications of Secondary School Certificate (SSC) as necessary qualifications for appointment as Talati. Even the Rules which are framed after the appointment and promotion to the post of Circle Officer do not contemplate the SSC as pre-requisite for such promotion. The subsequent requirement of SSC, therefore, cannot be applied retrospectively to a person appointed prior to the date on which this qualification was prescribed. That being the position in law, the order of the Tribunal directing their consideration for promotion cannot be faulted.

3. Writ Petitions are, therefore, dismissed.